INSTRUCTIONS ON THE USE OF THE ATTACHED FORM

The decision by the Utah Supreme Court in the <u>Hawkins V. Peart</u> (2001 UT 94) eliminated the practice of parents or guardians releasing the rights of their children or wards to recover for damages suffered if the children were injured in an activity or sport due to negligence on the part of the school or school personnel. In the past schools have utilized liability waiver and release forms for a variety of activities to protect themselves from litigation. These forms can no longer be used since they do not have force of law.

In order to provide partial protection for schools against lawsuits it is important that school districts use an Informed Consent form for activities and sports. While these forms do not fully relieve the school district of liability for injuries, they may help to reduce the ultimate cost of the loss. If a child is injured due while on a school activity the district, for its own protection, needs to be able to at least show that the parent or ward of the injured child knew the risks associated with the activity or sport.

With these requirements in mind, the attached example of an Informed Consent Form has been prepared to provide some guidance or suggestions on how to prepare an Informed Consent Form. This example requires that the person preparing the form include a degree of specificity in the description of the activity. It also requires specificity in the time that the form will be in force. No single form can be utilized to cover all of the activities or sports that a child might participate in for an entire school year. Parents or guardians must be provided sufficient information in order on each major activity so that they can make a reasonable conclusion about the activity and if they will allow their child or ward to participate in the activity. A single form may cover all activities that are repetitive in nature such as field trips associated with a nature study class. The attached form requires that the school describe the who, what, when, where and how elements of any activity. In the case of an activity or sport that has a large degree of risk associated with it, for example football, skiing, rock climbing, other contact sports, the specific risks associated with the sport or activity need to be spelled out in even greater detail.

Once completed and signed by the parent or guardian the forms need to be maintained in a safe place for at least the duration of the activity. If the student is traveling as part of a sport or activity a copy of the form or at least the consent for medical treatment should accompany the child to the activity. If the child is injured the consent for medical treatment will allow competent medical staff to treat the child.

Please contact the Division of Risk Management at 538-9560 if you have questions about this form or its use

INFORMED CONSENT and PERMISSION FOR SCHOOL DISTRICT ACTIVITIES

The undersigned, the parent or guardian of,			
agree to allow my child or ward to participate in the program or activities described below.			
Activity Description			
The state of the s			
(Instructions for Filling Out the Description Section			
The program or activities should be described in sufficient detail so that a parent or guardian will understand sufficient details of what his or her child or ward will be doing so that he or sh			
can make an informed decision. It is suggested that details be provided, including: The specifics of the activity,			
When it will occur - date, Times of departure and return and the location of departure and return,			
Where the activity will be occurring,			
What form of transportation will be used, What is to be done regarding meals, what to do if special circumstances or dietary need			
exist etc. and			
Any unique or special conditions or hazards associated with the activity.)			

Optional Paragraph for Activities Involving Physical Activity or Sports

I recognize that the activities listed above will involve a degree of physical and /or mental stress and may cause my child or ward physical / emotional discomfort. I state that to the best of my knowledge my child or ward is free from any known heart, lung, or other serious health problems that could prevent my child from participating in the activities associated with the program or activities listed above. I further state that he or she is sufficiently physically fit to participate in the activities listed above.

Compliance With Rules Paragraph

I recognize that there are specific rules governing my child or ward's behavior in this activity and that violation of these rules may result in his or her not being allowed to continue in

this activity. I acknowledge that I have discussed these rules with him or her and that he or she is willing to abide by the rules.

Consent

Consent is expressly given, in the event of injury, for any emergency medical aid, anesthesia and / or operation, if in the opinion of the attending physician, such treatment is necessary.

from	to	
Date	Date	
STUDENT NAME		
PARENT OR LEGAL GUAR DATE	RDIAN SIGNATURE	